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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

13 MYSPACE, INC., a Delaware
14 Corporation,

15 Plaintiff,

16 vs.

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18 SANFORD WALLACE D/B/A
19 FREEVEGASCLUBS.COM, REAL-
20 VEGAS-SINS.COM, and FEEBLE
21 MINDED PRODUCTIONS, an
22 individual; WALTER RINES, an
23 individual; ONLINE TURBO
24 MERCHANT, INC., a corporation;
25 and ODYSSEUS MARKETING,
26 INC., a corporation,

27 Defendants.

CASE NO. CV-07-1929 ABC (AGR~~x~~)

**DECLARATION OF JOSEPH
MAROTTA IN SUPPORT OF
PLAINTIFF MYSPACE, INC.'S
MOTION FOR DEFAULT
JUDGMENTS AGAINST
DEFENDANTS SANFORD
WALLACE AND WALTER RINES**

**Filed Concurrently With:
Notice of Motion and Motion;
Memorandum; Declaration of Lori
Chang; Declaration of Shing Yin
Khor; Declaration of Kevin Dato;
and [Proposed] Order.**

Date: May 12, 2008

Time: 10:00 a.m.

Ctrm: 680

Judge: Hon. Audrey B. Collins

DECLARATION OF JOSEPH MAROTTA

I, Joseph Marotta, declare:

1. I am a Security Enforcement Analyst for MySpace, Inc. ("MySpace"), working at a MySpace office located in El Segundo, California. As a Security Enforcement Analyst, I work with MySpace's Abuse Team to investigate spamming and phishing activities on the MySpace network. The following facts are known by me to be true and correct and if called as a witness I could and would competently testify thereto under oath.

2. On or around January 26, 2008, MySpace received reports that MySpace users were receiving unsolicited commercial messages containing an image of a message instructing users to visit "BestFreePeople.com." An example of this image ("BestFreePeople.com image") is copied below:

hey you will like this for your cell
just go to BestFreePeople.com
trust me this is all you

3. On or around January 28, 2008, I began investigating this latest attack. I discovered that these messages were being sent from user accounts that had the BestFreePeople.com image uploaded onto their profiles. I performed a search using the MySpace ImageID tool to determine which profiles were hosting these images, and the dates and times that the uploading occurred. The MySpace ImageID tool is a multi-function program that helps us identify, among other things, the unique image ID that MySpace assigns to an image on its server, the date and time an image was uploaded onto a user profile, and the IP address that accessed the user account to upload the image. Using this tool, I and my colleague, Allison Corona, also a Security Enforcement Analyst, found that hijacked accounts were being accessed from at least 19 different IP addresses to upload the BestFreePeople.com image onto their profiles. By performing a

1 WHOIS search on bestunbeatableoffer.com, I saw that this website was registered by
2 Lazarus Communications Worldwide, Inc., based in Panama City, Republic of Panama.

3 4. In addition to unlawfully accessing hijacked accounts to upload the
4 BestFreePeople.com image onto their profiles, the individuals behind this attack re-
5 accessed the same hijacked accounts to send unsolicited commercial messages containing
6 this image to other MySpace users. Attached as Exhibit A are true and correct copies of
7 screenshots of such messages containing this image.

8 5. As part of this ongoing investigation, Joeslyn Rescober, a database
9 administrator for MySpace, at my request, performed a reverse IP search of each of the
10 19 IP addresses to determine the number of profiles that were accessed by these
11 addresses. On or around January 30, 2008, Ms. Rescober sent me a report confirming
12 that the total number of profiles accessed was, at that time, 277,651.

13 6. These images were directing MySpace users to visit commercial websites
14 promoting various commercial offers, such as ringtones and purported matchmaking
15 services. When a user typed in bestfreepeople.com into its web browser, they were
16 automatically redirected to bestunbeatableoffer.com, which appears as an iframe.
17 Attached as Exhibit B are true and correct copies of screenshots of certain webpages that
18 appeared when accessing bestfreepeople.com and redirecting to bestunbeatableoffer.com.

19 7. I used a software program called "Fiddler" to determine the HTTP web
20 progression that occurs when typing bestfreepeople.com in a web browser. Fiddler is a
21 tool that displays and logs all incoming HTTP traffic for a given website. By using
22 Fiddler, I discovered there was a website hosting an image located at
23 <http://216.22.4.42/thanksforvisiting.jpg> had appeared along the web progression. I typed
24 this URL into my browser and saw that it displayed an image of the middle finger.
25 Attached as Exhibit C is a true and correct copy of a printout of the webpage containing
26 the middle finger image, located at <http://216.22.4.42/thanksforvisiting.jpg>.

1 7. mobileagogo.com/rg/genre/&r=http%3A//bestfreepeople.com/&cc=USD&ch=land
2 ing%20page&v0=9999

3 (c) Web progression logged on February 6, 2008 at 11:24 a.m.:

- 4 1. bestfreepeople.com
5 2. 216.22.4.42/thanksforvisiting.jpg
6 3. publishers.xy7.com/sw/50012/CD5265/
7 4. aff.primaryads.com/t.asp?id=7266&e=15961&subid=CD5265
8 5. www.groovintones.com/1192/landing281.jsp?s=7266
9 6. tracking.fsjmp.com/tracking.php?c=71769&a=281&t=1&s=1192%7C7266&e=0&
10 m=47aa083bea5f6&l=
11 http%3A%2F%2Fwww.groovintones.com%2F1192%2Flanding281.jsp%3Fs%3D7266&
12 r=http%3A%2F%2F
13 www.bestunbeatableoffer.com%2Fcaptcha-group-routine%2Fpre-entry-result.html
14 7. www.ringtonetimes.com/script/ajaxImpl.js;jsessionid=70C478D1EB6C23D573F2
15 8E3485B108A5.rtt06-t01

16 (d) Web progression logged on February 7, 2008 at 1:18 p.m.:

- 17 1. Bestfreepeople.com
18 2. 216.22.4.42/thanksforvisiting.jpg
19 3. Publishers.xy7.com/sw/50012/CD5265
20 4. Zabasearch.com

21 (e) Web progression logged on February 29, 2008 at 1:15 p.m.:

- 22 1. Bestfreepeople.com
23 2. Bestunbeatableoffer.com
24 3. 216.22.4.42/thanksforvisiting.jpg
25 4. Publishers.xy7.com/sw/50012/CD7281
26 5. Aff.primaryads.com/t.asp?id=7266&e=15961&subid=7281
27 6. Groovintones.com/1192/landing281.jsp?s=7266
28 7. Tracking.fsjump.com//tracking.php?c=71769&a=281&t=1&s=1192%7C7266&e=
0&m=47c873cc33f41&l=
http%3A%2F%2Fwww.groovintones.com%2F1192%2Flanding281.jsp%3Fs%3D
7266&r=
http%3A%2F%2Fwww.bestunbeatableoffer.com%2Fcaptcha-group-
routine%2Fpre-entry-result.html

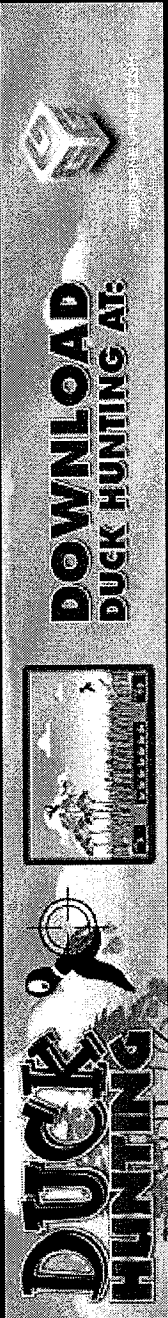
1 (f) Web progression logged on March 10, 2008 at 12:30 p.m.:

- 2 1. Bestfreepeople.com
3 2. Tellafriendrewards.com
4 3. 216.22.4.42/thanksforvisiting.jpg
5 4. Publishers.xy7.com/sw/51702/CD7281
6 5. Hits.affiliatetrack.com
/cgi-bin/redir?pd_link=i1-a36783-o3559-c53441&trackID=CD7281
7 6. Flycell.com/offer/?ref=655

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct and that this Declaration was executed on April 18,
10 2008 in El Segundo, California.

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13 _____
14 JOSEPH MAROTTA
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EXHIBIT A



powered by Google

People ☐ Search
[Home](#) [Browse](#) [Search](#) [Invite](#) [Film](#) [Mail](#) [Blogs](#) [Favorites](#) [Forum](#) [Groups](#) [Events](#) [MySpace TV](#) [Music](#) [Comedy](#) [Classifieds](#)
Bright Idea: [Add Captions to your Pictures. Add Now.]

Mail Center
Read Mail

	Compose
	Inbox
	Sent
	Empty
	Saved
	Trash
	Friend Requests
	Sent Requests
	Tagged Photos
	Address Book
	Bulletin
	Event Invites

To:	Alexander.. myspace.com/pissedoffalex
Date:	Jan 27, 2008 9:03 PM
Subject:	RE: concert
Body:	hey you will like this for your cell just go to BestFreePeople.com trust me this is all you

Forward

Delete

<< Previous Next >>

Sponsored Links**Handball Tones**

Get Handball tones
Instant sports ringtones!
Handball.AnyTonez.com

American River Rafting

South & Middle Forks, fun for
all!
30 yrs exp; hot summer
discounts.
malode.com

Basketball at Spectrum

No Waiting On Equipment. Join
Now
& Receive 75% Off Initiation
Fee!
www.SpectrumClubs.com

New England Tennis Camp

60 miles north of New York City
Tennis camp for children 9-17
www.netennis.com

Who's Online?

EMERGENCY..
Send Message



fNelliaA....
Send Message



Online Now!
See Full Page

Find the
EXACT
name of
your
Love
Sail

MySpace.com

Privacy | Help | SignOut

Discover all the compatible singles
who match you.
Free To Review Your Matches

START NOW

eHarmony

powered by Google

Search

People

[Home](#) [Browse](#) [Search](#) [Invite](#) [Film](#) [Mail](#) [Blogs](#) [Favorites](#) [Forum](#) [Groups](#) [Events](#) [MySpace TV](#) [Music](#) [Comedy](#) [Classifieds](#)

Mail Center Read Mail

Bright Idea: [Delete some goof from your friend list. Delete Now.]

Compose
Inbox
Sent
Saved
Trash
Friend Requests
Sent Requests
Tagged Photos
Address Book
Bulletin
Event Invites

To:



Tom

myspace.com/tom

Date:

Jan 27, 2008 5:55 PM

Flag as Spam or Report Abuse [?]

Subject:

RE: myspace records first release :)

Body:

hey you will like this for your cell
just go to BestFreePeople.com
trust me this is all you

Forward

Delete

<< Previous Next >>

Sponsored Links

Denver T Shirt

Looking for fashionable clothes?
Training and consulting
available
dex.com/color-quest

New 2008 Sinful Clothing

New 2008 Sinful/Affliction
Clothing
Largest Selection Online. Free
S/H
www.soliscompany.com

Janis Joplin t-shirts

Jam Band Merchandise and
tie dyes for adults kids and
babies
eDeadShop.com

Kerusso's Top T-Shirts

Popular Christian T-Shirt
Designs
Great Prices - Low Shipping
www.igodtshirts.com

Who's Online?



Dilksie
Send Message



MICHE...
Send Message



Daniell...
Send Message

American Laser
Centers

Win
FREE

MySpace.com

GENERAL

MOUSE OVER TO START

0

Privacy | Help | SignOut

Home | Browse | Search | Invite | Film | Mail | Blogs | Favorites | Forum | Groups | Events | MySpaceTV | Music | Comedy | Classifieds

powered by Google

People Search

Mail Center

Read Mail

Bright Idea: [Upload more pictures. Upload Now.]

Compose

Inbox

Sent

Saved

Trash

Friend Requests

Sent Requests

Tagged Photos

Address Book

Bulletin

Event Invites

Noemi a.

Black User

Delete From Friends

myspace.com/princesag07

Jan 28, 2008 5:18 PM

Flag as Spam or Report Abuse [?]

RE: No Subject

hey, like i said i had nothing to hide, i was going to tell you ass soon as the whole alex's sister drama was over. i had just started talking to her!!! you know i tell you everything and it sucks that either stupid ass richard or abel opened there big mouth.... call me! k iuv lots your goofy! xoxo

----- Original Message -----
From: *****BUBBLES*****
Date: Jan 27, 2008 5:01 PM

hey you will like this for your cell just go to BestFreePeople.com trust me this is all you

Replay

Forward

Save

Delete

<< Previous

Next >>

Sponsored Links

Jenna Jameson

Like you've Never Seen Her

Baseball

"Zombie Strippers" In Theaters.

4/18

SonyPictures.com/ZombieStripp

The Next Big Oil Find

Here's why Saudi Arabia's

playing

second fiddle. Full report.

www.investmentu.com/Oil_Repo

Chat Rooms - Free

4,235,035 singles chatting in

your

local city today!

MySpace.ChatSinglez.com

Online Community Platform

Social networking, blogs, chat,

group forums, polls, and more.

www.leveragesoftware.com

Who's Online?

ELIZABETH

Send Message

Online Now!

SLISH-TA...

Send Message

Online Now!

DAFELLAS...

Send Message

Online Now!

See All Page

Offer

Reminder!

Get \$500 worth of

diapers &

baby wipes!

Click Here

FreeDiapersAndWipes.com

Participation required. See details.

About | FAQ | Terms | Privacy Policy | Safety Tips | Contact MySpace | Advertise | MySpace International | MySpace Latino

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MySpace.com

studentloans.com

Low Interest Student Loans
A Non-Profit Lender
APPLY TODAY - FOR NO FEE!

Privacy | Help | SignOut

Home | Browse | Search | Invite | Film | Mail | Blogs | Favorites | Forum | Groups | Events | MySpaceTV | Music | Comedy | Classifieds

People Search 

Mail Center
Read Mail

Bright Idea: (Express yourself in your personal Journal, Post Now.)

Compose

Inbox

Sent

Saved

Trash

Friend Requests

Sent Requests

Tagged Photos

Address Book

Bulletin

Event Invites

How do I become a?

Social Worker

Crim. Investigator

Graphic Designer

Psychologist

Accountant

Bounty Hunter

Health Care Manager

Counselor

Network Specialist

Campaign Manager

Tech Writer

Physician Practice Mgr.

Pharmacy Tech.


Medical Office Mgr.

Customer Relations Rep

Health Data Analyst

Editor

More Degrees Info

From:  Cbear

Date: Jan 30, 2008 7:49 PM

Subject: RE: WILL YOU BE MY VALENTINE?!

Body: alright i will how are you doing

----- Original Message -----
From: *****BUBBLES*****
Date: 27/01/2008

hey you will like this for your cell just go to BestFreePeople.com trust me this is all you

Flag as Spam or Report Abuse [?]

Block User

Delete From Friends

myspace.com/1487613855

<< Previous Next >>

Reply

Forward

Save

Delete

Sponsored Links

The Next Big Oil Find
Here's why Saudi Arabia's playing second fiddle. Full report.
www.investmanu.com/Oil...Repo

Chat Rooms - Free
4,293,039 singles chatting in your local city today!
MySpace.ChatSinglez.com

Online Community Platform
Social networking, blogs, chat, group forums, polls, and more.
www.evergetsoftware.com

Why Waste \$ On BP Gas?
Easily Double Gas Mileage w/ Water.
Run Car On Water and Gas.
Only \$49!
articleanswer.com/RunYourCarC


Who's Online?

 **HARVIA...
Send Message


 Online Now!

 ELIZABETH
Send Message

 Online Now!

 STISHETA...
Send Message

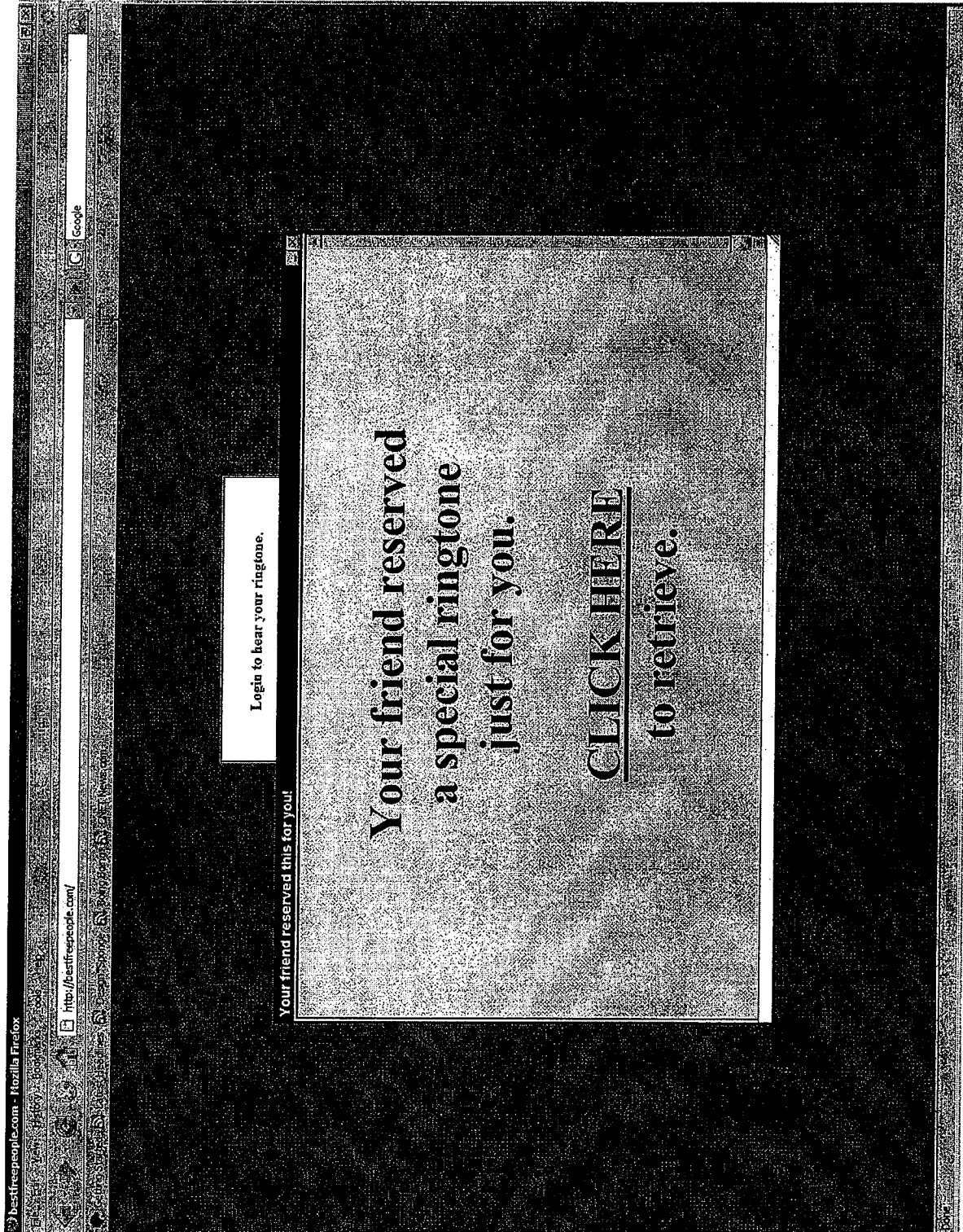
 Online Now!

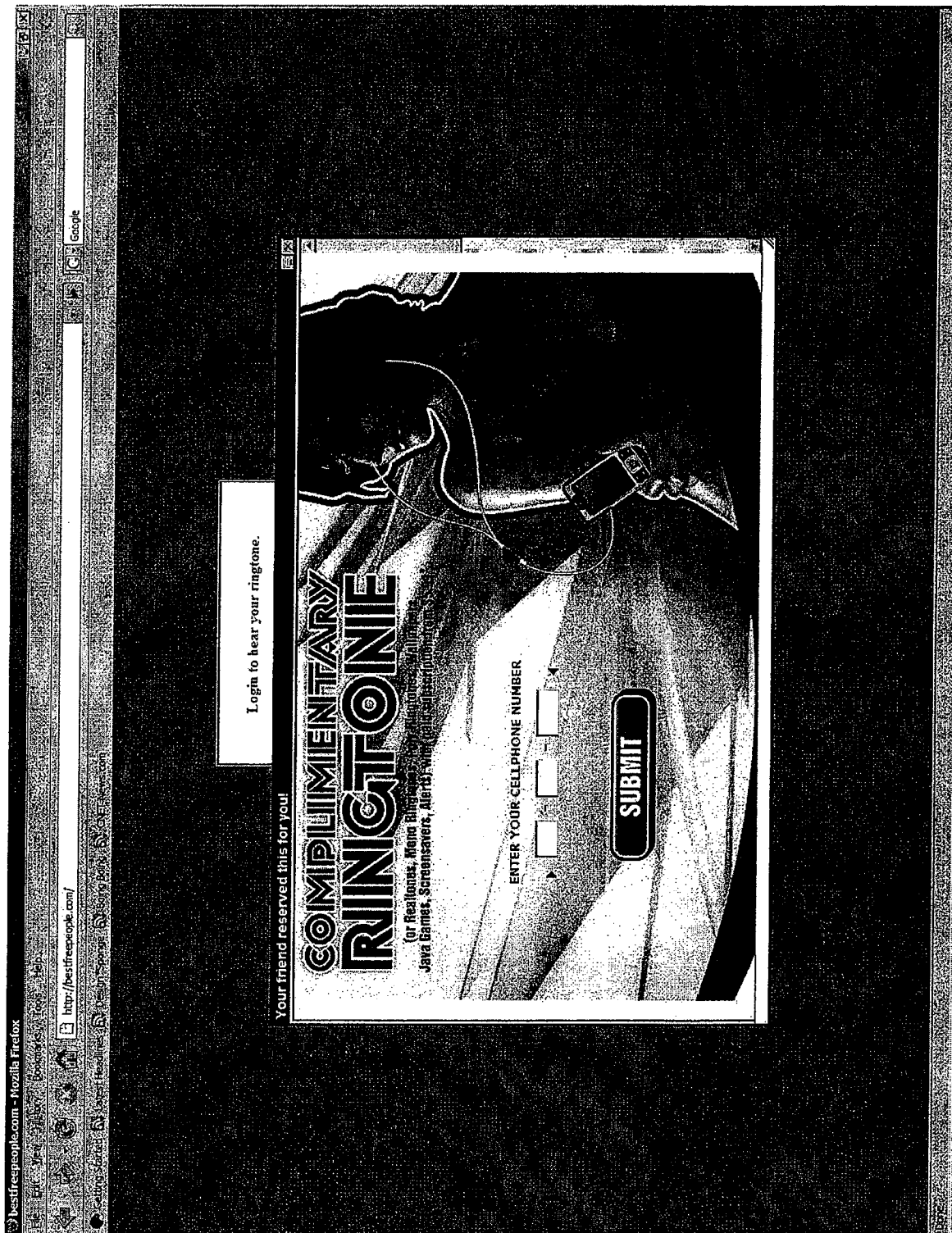
 DAFELLAS...
Send Message

 Online Now!

See Full Page

EXHIBIT B





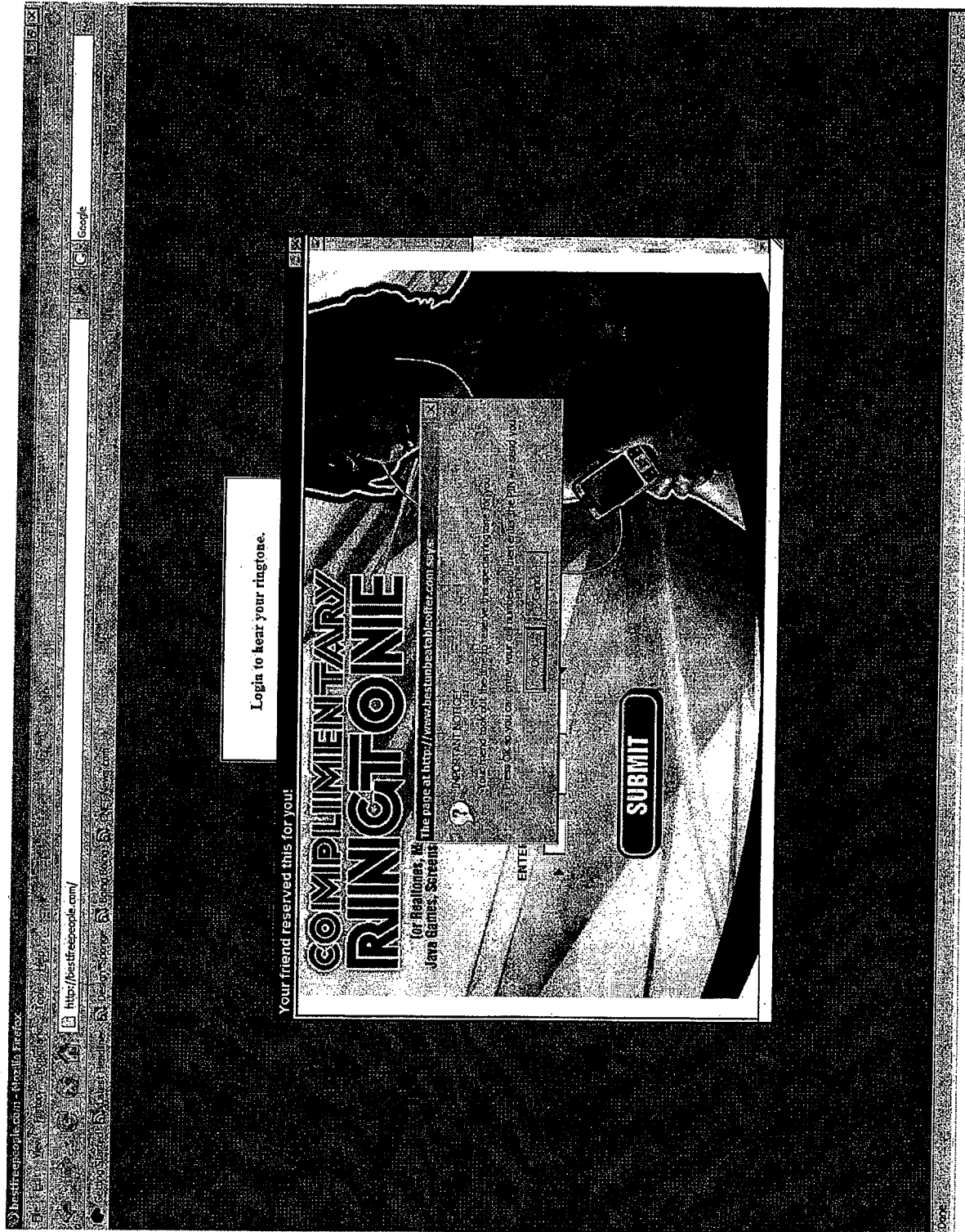


EXHIBIT C

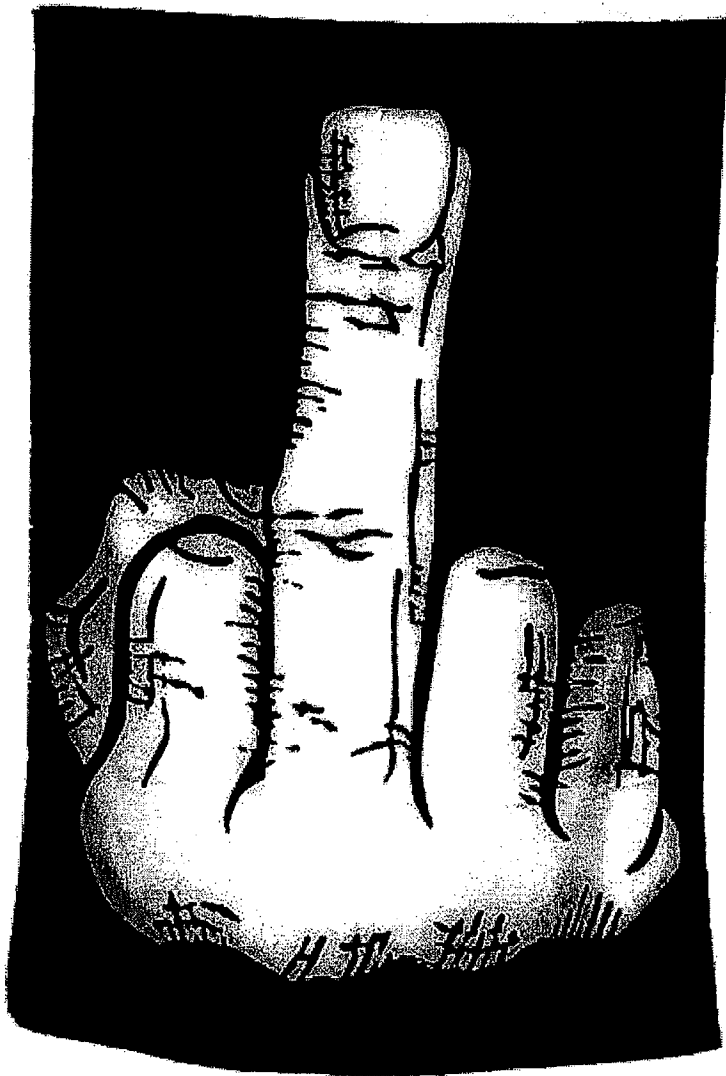


EXHIBIT D

Whois record for 216.22.4.42

Page 1 of 2



IP Information for 216.22.4.42

IP Location: United States New York Online Turbo Merchant Inc

IP Address: 216.22.4.42 **W R P D T**

SSL Cert: www.rewards-hq.com SSL Certificate has expired.

Reverse IP: 2 other sites hosted on this server.

Blacklist Status: Clear

Whois Record

OrgName: ServInt Corp.
OrgID: SRVN
Address: 6861 Elm Street
Address: Suite 4-E
City: McLean
StateProv: VA
PostalCode: 22101
Country: US

NetRange: 216.22.0.0 - 216.22.63.255
CIDR: 216.22.0.0/18
NetName: SERVINT-CIDR-2
NetHandle: NET-216-22-0-0-1
Parent: NET-216-0-0-0-0
NetType: Direct Allocation
NameServer: NS.SERVINT.COM
NameServer: NS2.SERVINT.COM
Comment: ADDRESSES WITHIN THIS BLOCK ARE NON-PORTABLE
RegDate: 1998-07-14
Updated: 2003-11-05

RTechHandle: NO178-ARIN
RTechName: Network Operations
RTechPhone: +1-703-847-1421
RTechEmail: noc@servint.com

OrgTechHandle: NO178-ARIN
OrgTechName: Network Operations
OrgTechPhone: +1-703-847-1421
OrgTechEmail: noc@servint.com

CustName: Online Turbo Merchant, Inc.
Address: 6 Laurel Lane
City: Stratham
StateProv: NH
PostalCode: 03885
Country: US
RegDate: 2007-01-04
Updated: 2007-01-04

Whois record for 216.22.4.42

Page 2 of 2

NetRange: 216.22.4.0 - 216.22.4.255
CIDR: 216.22.4.0/24
NetName: SRVN
NetHandle: NET-216-22-4-0-1
Parent: NET-216-22-0-0-1
NetType: Reassigned
Comment:
RegDate: 2007-01-04
Updated: 2007-01-04

RTechHandle: NO178-ARIN
RTechName: Network Operations
RTechPhone: +1-703-847-1421
RTechEmail: noc@servint.com

OrgTechHandle: NO178-ARIN
OrgTechName: Network Operations
OrgTechPhone: +1-703-847-1421
OrgTechEmail: noc@servint.com

PROOF OF SERVICE**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 2450 Colorado Avenue, Suite 400E, Santa Monica, California 90404.

On April 18, 2008, I served the **DECLARATION OF JOSEPH MAROTTA IN SUPPORT PLAINTIFF MYSPEACE, INC.'S NOTICE OF MOTION AND MOTION FOR DEFAULT JUDGMENTS AGAINST DEFENDANTS SANFORD WALLACE AND WALTER RINES**; on the interested parties in this action by placing the true copy thereof, enclosed in a sealed envelope, postage prepaid, addressed as follows:

☒ **(BY MAIL)**

☒ I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at Santa Monica, California, in the ordinary course of such business.

Sanford Wallace
7800 S. Rainbow Blvd., Apt. 1118
Building 26
Las Vegas, NV 89139

Walter Rines
6 Laurel Lane
Stratham, NH 03885

Sanford Wallace
6130 W. Flamingo Rd. #205
Las Vegas, NV 89103

☒ **(BY OVERNITE EXPRESS)**

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for delivery by Overnight Express. Under the practice it would be deposited with Overnight Express on that same day with postage thereon fully prepared at Santa Monica, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if delivery by Overnight Express is more than one day after date of deposit with Overnight Express.

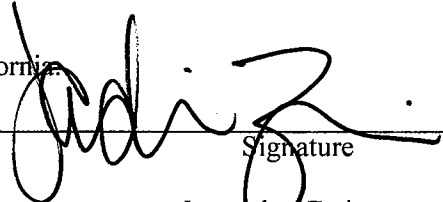
Sanford Wallace
7800 S. Rainbow Blvd., Apt. 1118
Building 26
Las Vegas, NV 89139

Sanford Wallace
6130 W. Flamingo Rd. #205
Las Vegas, NV 89103

☒ **(FEDERAL)**

I declare under penalty of perjury that the foregoing is true and correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 18, 2008, at Santa Monica, California.



Signature

Jacquelyn Zwirn

Print Name

PROOF OF SERVICE